

REMARKS

Claims 75, 79, 82, 83 and 84 have been amended. Claims 1-74 and 76-77 have been canceled by previous amendment. Claims 86-101 have been added. Claims 75 and 78-101 are now pending.

Rejection – 35 U.S.C. § 102

Claims 75, 78-85 are rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,908,387 (“Hedrick”). The present claims relate generally to detecting, via the gaming terminal, the presence of a passerby with a portable data unit proximate to the gaming terminal. A wireless transmission link with a portable data unit is established when the portable data unit is within a predetermined distance of the gaming terminal for a predetermined period of time. An operation of the gaming terminal is modified depending upon at least one of the predetermined distance and the predetermined period of time.

In contrast, Hedrick relates to an interface on a game machine with a device carried by players. Hedrick is primarily focused on the use of a player tracking smart card and only suggests a portable wireless device carried by a player in place of the smart card. (Col. 10, ll. 46-56). Hedrick does not describe the nature of the wireless device except by indicating it may be the size of a player tracking card. (Col. 10, ll. 50-52). Hedrick is directed toward solving the problem of providing player tracking data even if a player tracking card is not used or is misplaced. (Col. 4, ll. 20-25). Hedrick describes awarding a player credits and other prizes based on game information in a tracking server 120 (Col. 3, ll. 31-46), but does not describe different modes of operation of the gaming machine depending on the distance or time period for which the wireless device is detected. Hedrick automatically activates various machine

functions as soon as the portable wireless device comes within range of the player tracker receiver (described as Bluetooth range of approximately 10 meters). (Col. 10, l. 64 to Col. 11, l. 7).

Applicant has amended claim 75 to include the element of operating the gaming machine in a first mode when “detecting the presence of the passerby within a first predetermined distance and/or for at least a first predetermined period of time.” Claim 75 has also been amended to require operating the gaming machine in a second mode “in response to detecting the presence of the passerby within a second predetermined distance and/or for at least a second predetermined period of time.” Hedrick does not anticipate these elements because Hedrick detects the wireless device carried by the passerby as soon as the device and passerby enter sufficient range for communication such as within Bluetooth range. Hedrick does not wait predetermined periods of time or detect the passerby at different predetermined distances. Moreover, Hedrick does not operate the gaming machine in different modes depending on the predetermined period of time or distances as now required by amended claim 75. Amended claim 75 is thus allowable over Hedrick. Applicant has added new claims 98-100 which depend from claim 75 and are similarly allowable.

Applicant has amended claim 83 to include the elements of detecting the presence of a passerby “within a first predetermined distance and/or for a first predetermined period of time” to modify the operation of the gaming machine according to an attract mode and detecting the presence of another passerby “within a second predetermined distance and/or for a second predetermined period of time” to modify the operation of the gaming machine according to a play mode. Hedrick does not anticipate any of these elements as it only discloses initiating

wireless communication when the player comes within range of the wireless transmitter. As explained above, Hedrick does not make determinations of the period of time that a passerby is detected and the specific distance between the passerby and the gaming machine. Moreover, Hedrick does not operate the gaming machine in an attract mode and a play mode depending on the different distance and time that a passerby is detected. New claims 92-97 depend from amended claim 83 and are similarly allowable.

New claim 86 has been added and includes the elements of operating a “gaming terminal in a first mode” interacting with a passerby in a first manner after detecting the presence of “a passerby within a first predetermined distance to the gaming terminal and/or for at least a first predetermined period of time.” New claim 86 also includes the elements of “operating the gaming terminal in a second mode” and interacting with the passerby in a second manner after detecting the presence of “the passerby either within a second predetermined distance to the gaming terminal and/or for at least a second predetermined period of time.” Hedrick does not anticipate any of these elements. Hedrick does not operate a gaming machine in different modes to either make determinations of the period of time that a passerby is detected or the specific distance that a passerby is within the gaming machine. Moreover, Hedrick does not operate the gaming machine to interact with the passerby in different manners based on different distances or periods of time that a passerby is detected. New claims 87-91 depend from new claim 86 and are similarly allowable.

Applicant has also added new claim 101 that includes the elements of establishing a wireless transmission link with a portable data unit carried by an individual when the portable data unit is within a predetermined distance of the gaming terminal for a predetermined period of

time. An operation of the gaming terminal is modified differently depending upon at least one of the predetermined distance and the predetermined period of time. Hedrick does not anticipate any of these elements. As explained above, Hedrick does not establish the wireless transmission link dependent on if the portable data unit is either a predetermined distance within the gaming terminal or if the portable data unit is present for a predetermined period of time. Hedrick only modifies machine operation upon detection of the portable data unit. Hedrick does not disclose changing machine operation dependent on the distance and the time the portable data unit is within the gaming terminal. New claim 101 is thus allowable.

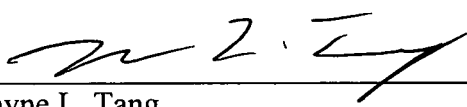
Conclusion

It is the Applicant's belief that all of the pending claims are in condition for allowance and action towards that end is respectfully requested.

If any matters may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicant's undersigned attorney at the number shown.

Respectfully submitted,

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